

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1 and 3-15 are pending. In the present amendment, Claim 1 is currently amended. Support for this amendment can be found in the originally filed specification, for example, at page 6, lines 8-10. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 1 is objected to; Claim 15 is rejected under 35 U.S.C. §102(b) as anticipated by Briggs (U.S. Patent 5,799,669); Claims 1 and 3-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Briggs; Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Briggs in view of Brams (U.S. Patent 5,813,419); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Briggs in view of Stephan (U.S. Patent 5,849,421); and Claims 10-14 were allowed. Applicants acknowledge with appreciation the indication of allowed subject matter.

First, Applicants wish to thank Examiner Manahan for the courtesy of an interview granted to Applicants' representative on July 10, 2007 at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented.

In response to the outstanding objection to Claim 1, Claim 1 is hereby amended as suggested in the outstanding Office Action. It is respectfully submitted that no new matter is added. Therefore, it is respectfully requested that the outstanding objection to Claim 1 be withdrawn.

In response to the outstanding rejection of Claim 15 as anticipated by Briggs, Applicants respectfully traverse this rejection. As discussed during the interview, it is respectfully submitted that Brams does not show "rolling up the hair holder the hair inside to a desired starting diameter" or "keeping the hair holder in a rolled state with a fixing

member,” as recited in Claim 15. Additionally, as evidenced by the Interview Summary, Examiner Manahan acknowledged that “Claim 15 is allowable over prior art as Briggs does not show the steps of rolling and unrolling the hair.” Thus, it is respectfully requested that the outstanding rejection of Claim 15 as anticipated by Briggs be withdrawn.

In response to the outstanding rejections of Claims 1-9 under 35 U.S.C. §103(a), these rejections are respectfully traversed.

Amended Claim 1 recites, in part, “the plurality of sheet openings that are long in the width direction of the tube, extend over a length of at least 2/3 of a width of the sheet forming the first side, and are ranged at a pitch of 2 to 50 millimeters, and the plurality of sheet openings are configured to allow the hair holder to be smoothly rolled up.”

As demonstrated by Applicants’ representatives during the interview, an exemplary embodiment of the hair holder was smoothly rolled up due to the plurality of sheet openings. However, a hair holder without the claimed plurality of sheet openings was not smoothly rolled up. Thus, it is respectfully submitted that Briggs doesn’t disclose or suggest “the plurality of sheet openings are configured to allow the hair holder to be smoothly rolled up,” as recited in amended Claim 1.

Briggs describes an apparatus with a main body 10 that has at least one hole of a desired geometric shape cut therethrough 32.<sup>1</sup> However, as Briggs is directed to an apparatus for creating hair coloring designs, Briggs does not describe that the main body 10 should be rolled up. Additionally, Briggs does not describe any width or pitch of the holes 32 that would allow the main body 10 to be smoothly rolled up.

Thus, Applicants respectfully submit that it would not have been obvious to one having ordinary skill in the art reading Briggs to form the sheet openings with a pitch of 2-50 millimeters or with a length of at least two-thirds of a width of the sheet forming first side of

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<sup>1</sup> See Briggs, at column 4, lines 1-3.

the hair holder. Additionally, it is respectfully submitted that Briggs does not recognize that either the length of the sheet openings or the pitch size as a result-effective variable. It is well settled case law that optimization of a parameter is only routine if the prior art teaches that the varied parameter is a result-effective variable. See *In re Antonie*, 195 USPQ 6, 8-9 (CCPA 1977) and M.P.E.P. §2144.05.

Therefore, the plurality of sheet openings arranged at a pitch of 2-50 millimeters and that extend over a length of at least two-thirds of a width of the sheet forming the first side of the hair holder, are not obvious in view of the cited art. Thus, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over Briggs be withdrawn.

With regard to the rejection of Claims 7 and 8 as unpatentable over Briggs in view of Brams, it is noted that Claims 7 and 8 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Brams does not cure any of the above-noted deficiencies of Briggs. Accordingly, it is respectfully submitted that Claims 7 and 8 are patentable over Briggs in view of Brams.

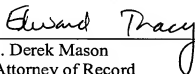
With regard to the rejection of Claim 9 as unpatentable over Briggs in view of Stephan, it is noted that Claim 9 is dependent on Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Stephan does not cure any of the above-noted deficiencies of Briggs. Accordingly, it is respectfully submitted that Claim 9 is patentable over Briggs in view of Stephan.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

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